

1 THE HONORABLE RICARDO S. MARTINEZ
2
3
4
5

6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 TAMARA LOHR and RAVIKIRAN SINDOGI, on
9 behalf of themselves and all others similarly
situated,

10 Plaintiffs,

11 vs.

12 NISSAN NORTH AMERICA, INC., and
13 NISSAN MOTOR CO., LTD.,

14 Defendants.

15 NO. 2:16-cv-01023-RSM

16
17 **STIPULATED MOTION AND ORDER TO
EXTEND BRIEFING DEADLINES AND RE-
NOTE PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

18
19 **NOTED FOR CONSIDERATION:**
20 **June 28, 2021**

21
22 **I. STIPULATED MOTION**

23 Plaintiffs Tamara Lohr and Ravikiran Sindogi and Defendant Nissan North America, Inc.
24 respectfully request that the Court extend the briefing deadlines for Nissan's motions to
25 exclude as set forth below and re-note Plaintiffs' motion for class certification, Dkt. No. 109,
26 so all four motions are considered and heard together. The deadline for Plaintiffs to file their
27 reply in support of class certification, which is currently set for August 2, 2021, would remain
unchanged.

28 There is good cause to grant the parties' motion. On June 14, 2021, Defendant filed its
29 opposition to Plaintiffs' motion for class certification together with its expert disclosures and
30 reports. Dkt. Nos. 123, 123-2, 123-6, 123-12, 123-18. Contemporaneously with those filings,
31 Defendant filed three separate motions to exclude Plaintiffs' experts, each of which relies, in

32 STIPULATED MOTION AND ORDER TO EXTEND BRIEFING
33 DEADLINES AND RE-NOTE PLAINTIFFS' MOTION FOR CLASS
34 CERTIFICATION - 1

35 CASE No. 2:16-cv-01023-RSM

36 TERRELL MARSHALL LAW GROUP PLLC
37 936 North 34th Street, Suite 300
38 Seattle, Washington 98103-8869
39 TEL. 206.816.6603 • FAX 206.319.5450
40 www.terrellmarshall.com

1 part, on the opinions of its own experts. See Dkt. Nos. 124, 125, and 126. Plaintiffs' deadline to
2 respond to the motions to exclude is July 5, 2021 and Defendants deadline to reply is July 9,
3 2021. See Dkt. No. 127.

4 To fully respond to Defendant's motions, Plaintiffs will need to depose Defendant's
5 four experts. The parties have worked together to coordinate these depositions, and they are
6 tentatively scheduled for July 9, July 13, July 14, and July 16, 2021. Once the depositions are
7 complete, Plaintiffs will need time to obtain and analyze the transcripts and integrate the
8 testimony into their responses. The parties are also coordinating deadlines with a companion
9 case filed in the Northern District of California, *Johnson et al. v. Nissan North America, Inc.*,
10 No. 3:17-cv-00517-WHO. The Plaintiffs in *Johnson* are seeking a similar extension of the
11 briefing schedule on Defendant's motions to exclude, which will allow both cases to remain on
12 parallel tracks. The extended briefing schedule proposed below will not meaningfully delay
13 the resolution of this case and will allow the parties to better address the complex and highly
14 technical subject matter involved in Defendant's motions.

15 Accordingly, amending the briefing schedule to allow Plaintiffs to depose Defendant's
16 experts, with a commensurate extension of the deadline for Defendant to file its replies, will
17 serve the interests of the parties and judicial efficiency. The parties therefore stipulate and
18 move the Court for an order extending the briefing schedule on Defendant's motions to
19 exclude and re-noting Plaintiff's motion as follows:

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Deadline for Plaintiff to File Responses to Defendant's Motions to Exclude	07/05/2021	08/13/2021
Deadline for Defendant to File Replies in Support of Defendant's Motions to Exclude	07/09/2021	09/03/2021
Noting Date for Defendant's Motions to Exclude	07/09/2021	09/03/2021

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Noting Date for Plaintiffs' Motions for Class Certification	08/02/2021	09/03/2021

STIPULATED TO AND DATED this 29th day of June, 2021.

TERRELL MARSHALL LAW GROUP PLLC

SHOOK HARDY & BACON L.L.P.

By: /s/ Beth E. Terrell, WSBA #26759

Beth E. Terrell, WSBA #26759
Email: bterrell@terrellmarshall.com
Amanda M. Steiner, WSBA #29147
Email: asteiner@terrellmarshall.com
Benjamin Drachler, WSBA #51021
Email: bdrachler@terrellmarshall.com
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 319-5450

Gregory F. Coleman, *Admitted Pro Hac Vice*

Email: greg@gregcolemanlaw.com

Mark E. Silvey, *Admitted Pro Hac Vice*

Email: mark@gregcolemanlaw.com

Adam A. Edwards, *Admitted Pro Hac Vice*

Email: adam@gregcolemanlaw.com

Justin G. Day, *Admitted Pro Hac Vice*

Email: justin@gregcolemanlaw.com

GREG COLEMAN LAW PC

First Tennessee Plaza

800 South Gay Street, Suite 1100

Knoxville, Tennessee 37929

Telephone: (865) 247-0080

Facsimile: (865) 533-0049

By: /s/ Weston Dunn, WSBA #54385

Weston Dunn, WSBA #54385
Email: wddunn@shb.com
701 Fifth Avenue, Suite 6800
Seattle, Washington 98104
Telephone: (206) 344-7600
Facsimile: (206) 344-3113

Amir Nassihi, *Admitted Pro Hac Vice*

Email: anassihi@shb.com

Andrew L. Chang, *Admitted Pro Hac Vice*

Email: achang@shb.com

H. Grant Law, *Admitted Pro Hac Vice*

Email: hlaw@shb.com

SHOOK HARDY & BACON L.L.P.

555 Mission Street, Suite 2300

San Francisco, California 94105

Telephone: (415) 544-1900

Facsimile: (415) 391-0281

William R. Sampson, *Admitted Pro Hac Vice*

Email: wsampson@shb.com

Holly P. Smith, *Admitted Pro Hac Vice*

Email: hpsmith@shb.com

Mark Cowing

Email: mcowing@shb.com

SHOOK HARDY & BACON L.L.P.

2555 Grand Boulevard

Kansas City, Missouri 64108

Telephone: (816) 474-6550

Facsimile: (816) 421-5547

1 Charles Crueger, *Admitted Pro Hac Vice*
2 Email: cjc@cruegerdickinson.com
3 Erin Dickinson, *Admitted Pro Hac Vice*
4 Email: ekd@cruegerdickinson.com
5 CRUEGER DICKINSON LLC
6 4532 North Oakland Avenue
7 Whitefish Bay, Wisconsin 53211
8 Telephone: (414) 210-3868

9
10 *Attorneys for Defendant Nissan North America,
11 Inc.*

12 Edward A. Wallace, *Admitted Pro Hac Vice*
13 Email: eaw@wexlerwallace.com
14 WEXLER WALLACE LLP
15 55 West Monroe Street, Suite 3300
16 Chicago, Illinois 60603
17 Telephone: (312) 346-2222
18 Facsimile: (312) 346-0022

19 *Attorneys for Plaintiffs*

20
21
22
23
24
25
26
27
STIPULATED MOTION AND ORDER TO EXTEND BRIEFING
DEADLINES AND RE-NOTE PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION - 4
CASE NO. 2:16-cv-01023-RSM

TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.319.5450
www.terrellmarshall.com

1
2 **II. ORDER**
3
4

IT IS SO ORDERED. Defendant Nissan North America's motions to exclude Thomas Read, Neil Hannemann, Steven Gaskin, and Colin Weir, Dkt. Nos. 124, 125, 126, and Plaintiffs' Amended Motion for Class Certification, Dkt. No. 109, are RENOTED to September 3, 2021. Plaintiff's Responses to Defendant's motions to exclude are due August 13, 2021, and Defendant's replies thereto are due September 3, 2021. The August 2, 2021 deadline for Plaintiffs to file their reply in support of their motion for class certification shall remain unchanged.

Dated this 29th day of June, 2021.

13
14 
15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27